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12 *Attorneys for Respondents*

13 **UNITED STATES DISTRICT COURT**  
14 **DISTRICT OF NEVADA**

15 MICHAEL SMITH,

16 Petitioner,

17 vs.

18 RENEE BAKER, et al.,

19 Respondents.

Case No. 3:13-cv-00246-RCJ-WGC

**ORDER GRANTING  
UNOPPOSED MOTION FOR EXTENSION  
OF TIME TO REPLY TO OPPOSITION TO  
SECOND MOTION TO DISMISS (ECF NOS.  
52, 74)**

**(Second Request)**

20 Respondents move this Court for an enlargement of time of thirty (30) days from the current due  
21 date of October 14, 2019, up to and including Wednesday, November 13, 2019, in which to file their  
22 reply to Petitioner's response in opposition to Respondents' motion to dismiss. ECF Nos. 52, 74. This  
23 motion is made pursuant to Fed. R. Civ. P. 6(b) and Rule 6-1 of the Local Rules of Practice and is based  
24 upon the attached affidavit of counsel.

25 This is the second enlargement of time sought by Respondents and is brought in good faith and  
26 not for the purpose of delay.

27 DATED October 11, 2019.

28 AARON D. FORD  
Attorney General

By: /s/ Allison Herr  
Allison Herr (Bar No. 5383)  
Senior Deputy Attorney General

**DECLARATION OF ALLISON HERR**

STATE OF NEVADA     )  
                                  ) ss:  
COUNTY OF CLARK    )

I, Allison Herr, being first duly sworn under oath, depose and state as follows:

1. I am an attorney licensed to practice law in all courts within the State of Nevada, and am employed as a Senior Deputy Attorney General in the Office of the Nevada Attorney General. I have been assigned to represent Respondents in the case of *Michael Smith v. Renee Baker, et al.*, Case No. 3:13-cv-00246-RCJ-WGC, and as such, have personal knowledge of the matters contained herein.

2. A reply to Petitioner's opposition to the motion to dismiss (ECF No. 74) is currently due on Monday, October 14, 2019.

3. I have been unable with due diligence to timely complete the response herein. Additional time is needed to draft responsive pleadings and have those pleadings reviewed and approved by my supervisor. I am seeking an extension of time to Wednesday, November 13, 2019.

4. This is my second request for an extension. I underestimated the amount of time needed to complete the reply in this matter, and I had a family emergency that necessitated out of state travel. As a result of this combination of events I have been unable to complete the reply despite exercising due diligence. Consequently I am seeking an additional thirty day extension in this matter.

5. This is the second request for an extension in this case. I have conferred with counsel for the Petitioner, Amelia Bizzaro, and she does not oppose my request.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 11<sup>th</sup> day of October 2019.

/s/ Allison Herr  
Allison Herr (Bar No. 5383)

IT IS SO ORDERED this 16th day of October, 2019.

  
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ROBERT C. JONES